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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER' S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
April 28, 2002
12: 30 p. m

ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349

1 The State of Arizona Independent Redistricting
2 Commission convened in Public Session on April 28, 2002,
3 at 12:30 o'clock p.m., at the Doubletree Guest Suites,
4 320 North 44th Street, Phoenix, Arizona, in the presence
5 of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

VICE CHAIRMAN ANDI MINKOFF

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COMMISSIONER JAMES R. HUNTWORK

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COMMISSIONER DANIEL R. ELDER

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COMMISSIONER JOSHUA M. HALL

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Phoenix, Arizona

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2 ADDITIONAL APPEARANCES:

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- 4 LISA T. HAUSER, Commission Counsel
- 5 JOSE de JESUS RIVERA, Commission Counsel
- 6 MARGUERITE MARY LEONI, Counsel
- 7 ADOLFO ECHEVESTE, IRC Executive Director
- 8 LOU JONES, IRC Staff
- 9 KRISTINA GOMEZ, IRC Staff
- 10 TIM JOHNSON, MC Consultant
- 11 DR. ALAN HESLOP, NDC, Consultant
- 12 DR. FLORENCE ADAMS, NDC, Consultant
- 13 ROBERT WALTERS, NDC, Consultant
- 14 DOUG JOHNSON, NDC, Consultant
- 15 KIMBALL BRACE, EDS, Consultant
- 16 LISA A. NANCE, RPR, CCR, Court Reporter

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Public Session
Phoenix, Arizona
April 28, 2002
12:42 o'clock p.m.

P R O C E E D I N G S

7 CHAIRMAN LYNN: Call the meeting of the
8 Independent Redistricting Commission to order at 12:42
9 on a Sunday. And for the record, we'll have roll call.

10 Mr. Huntwork?

11 COMMISSIONER HUNTWORK: Present.

12 CHAIRMAN LYNN: Ms. Minkoff?

13 COMMISSIONER MINKOFF: Present.

14 CHAIRMAN LYNN: Mr. Hall?

15 COMMISSIONER HALL: Present.

16 CHAIRMAN LYNN: Mr. Elder?

17 COMMISSIONER ELDER: Present.

18 CHAIRMAN LYNN: Chairman is present as
19 well.

20 We're also joined by Ms. Hauser,
21 Mr. Rivera, legal staff, joined by consultant NDC,
22 Dr. Adams, Dr. Heslop, Mr. Leoni, Mr. Johnson, and --
23 and Bob Walters, also from NDC.

24 Without objection, I would like to
25 rearrange the agenda slightly based on a better flow of
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Phoenix, Arizona

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1 information. I'd like to take a report from NDC prior
2 to consideration of Executive Session.

3 Without objection?

4 Thank you.

5 Dr. Heslop.

6 DR. HESLOP: Chairman Lynn, Members of the
7 Commission, NDC has been informed of the alleged,
8 recently alleged discrepancy between the IRC used data
9 bases and official registration sources. The nature and

10 scope of this, the alleged discrepancy, are unclear.
11 Chairman Lynn has asked NDC to do some things to shed
12 light on, and if necessary, to correct these alleged
13 problems.

14 First, to look most carefully and, to
15 correct, if necessary, the registration data base.

16 Second, to look closely and verify the
17 accuracy of all other data bases currently in use.

18 We received this instruction on Friday and
19 have completed a check of one of the five data bases
20 that are in use by IRC, that is the Census data base.

21 In addition, of course, to the Census and
22 the registration data base, there is the AQD, the racial
23 block voting, and the Judge It data bases.

24 We find it difficult today to give an
25 exact time line of all of the things that would be

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1 involved in establishing, first of all, the error in the
2 registration data base and, then, second, in verifying
3 all of the other data bases. But we think that we can
4 proceed with the first task, namely building a new data
5 base for registration to assure that it is not in error.
6 We believe that we can proceed on that quickly.

7 We believe that we can check the other
8 data bases as soon as we receive paper sources, as soon
9 as they can check official paper sources, and we
10 believe, too, then we can examine and track the error,
11 alleged error, in the registration data base.

12 I could guess. I think I'll ask Bob

13 Walters to come up because he'll be the one doing it,
14 not I. A good guess is we can perform this work within
15 five days of receipt of paper documentation.

16 Do you want to come up, Bob?

17 So that's our understanding of the
18 situation. That's our intended approach for solving it.

19 We would first, as a matter of priority,
20 look to registration, build a new, complete, and
21 accurate data base.

22 Second, we would confirm the accuracy of
23 the other data bases.

24 And, third, we would work with all of
25 those who were involved to check the source of the
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1 alleged error.

2 We'd be happy to respond to questions,
3 Mr. Chairman.

4 CHAIRMAN LYNN: Mr. Walters, do we want to
5 add anything before we ask questions?

6 MR. WALTERS: Again, we have to look at
7 what level of accuracy you want to get down into in that
8 five days' verification. If we, to get to that level,
9 means verification, as you know, it took months to
10 build. If we have paper copies we can use to build to
11 the present level, we can do that in three, four days
12 across the board.

13 The registration files, again, there are
14 some questions as to what we can get from the counties.
15 I understand in some cases there's -- I've seen that

16 some counties are getting more data than others. I'm
17 trying to get things such as who is active, who is
18 inactive. That appears to be the source of the
19 problems. I'm not sure at this point. That has to be
20 gotten. There's also a matter of at what point in time
21 one wants to look at this.

22 CHAIRMAN LYNN: Questions?

23 Ms. Minkoff.

24 COMMISSIONER MINKOFF: I have a couple of
25 questions.

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1 First of all, the five days you need
2 subsequent to receiving the paper data, when do you
3 expect to receive that?

4 MR. WALTERS: That I'll rely on somebody
5 else.

6 Once we have the paper data, have that
7 validated on electronic forms, some method we can ID it,
8 we know problems are there, once there are paper copies
9 gotten, I don't know the time lengths, honestly, and
10 would defer to somebody else to help me on those time
11 lines.

12 COMMISSIONER MINKOFF: It seems to me the
13 turnaround time once they get the data is relatively
14 short. If it takes weeks to get the data, we're still
15 in a bind.

16 CHAIRMAN LYNN: Ms. Hauser?

17 Ms. Hauser may have a question or comment
18 relative to that.

19 MS. HAUSER: Maybe a little of both.
20 The Commission obtained for the Department
21 of Justice the election returns from each of the
22 counties for '96, '98, and the 2000 primary and general
23 elections. Of course, DOJ preferred electronic data.
24 That's primarily what we have, although from some of the
25 counties we do have hard copy.

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1 Do you require hard copy or can you use
2 electronic copy data?

3 MR. WALTERS: If you're satisfied with
4 hard copy used, I don't see why we'd verify. We need to
5 have two different sources. If the electronic version
6 is derived from paper versions, go back to the original
7 paper copies, double-check entries were correct, do a
8 cross-check.

9 If you do not have those documents,
10 whatever is on file with the Secretary of State,
11 probably, at least at the county level, possibly do some
12 city level totals. That would be the best you can do if
13 all you have is the electronic version.

14 MS. HAUSER: It still requires checking,
15 because, in fact, when the racial block voting data
16 bases were created, the contractor obtained election
17 returns. And in order to provide -- we had the racial
18 block voting data bases to provide, meet our burden with
19 Department of Justice. We had to obtain electronic
20 versions compatible with the federal regulations, so
21 that the returns that we obtained directly from the

22 counties are separate from those that were used to
23 prepare the racial block voting data base.

24 I have no reason to doubt the accuracy of
25 the data that we obtained from the counties but would
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1 want to make sure that that was compared to the data in
2 the racial block voting data base.

3 Does that make sense?

4 MR. WALTERS: Yes.

5 COMMISSIONER MINKOFF: Can I follow up?
6 Lisa, maybe this is for you.

7 When you spoke about having election data
8 for '96, '98, and 2000, we need registration data. Is
9 that just votes cast or does that also contain the
10 registration data we need for those years?

11 MS. HAUSER: If I understand your
12 question, are you asking whether or not the racial block
13 voting data base contains registration?

14 COMMISSIONER MINKOFF: When you told NDC
15 that we have election data for '96, '98, and 2000, I
16 don't know what data you were talking about. You said
17 we have the election data from '96, '98, and 2000, and
18 forwarded that to Department of Justice and that's
19 available to you. I wanted to know is that votes cast
20 or registration data?

21 MS. HAUSER: That's election returns,
22 present level.

23 COMMISSIONER MINKOFF: Doesn't give us
24 really what we need.

25

Rcp42802.txt
MS. HAUSER: Precinct level election
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1 returns.

2 What we asked NDC to do, although there's
3 no reason to believe anything is wrong with precinct
4 registration data bases, we wanted NDC to check all.
5 There's no racial block voting in registration voting
6 bases.

7 COMMISSIONER MINKOFF: Need registration
8 data for other purposes?

9 MS. HAUSER: Correct.

10 COMMISSIONER MINKOFF: Where is it and
11 when will it be available?

12 MS. HAUSER: Dr. Heslop spoke to that
13 earlier. Maybe he should repeat his comment.

14 COMMISSIONER MINKOFF: He said they'd need
15 approximately five days to test it once they get the
16 information. What I'm trying to find out is when
17 they're going to get the information they'll analyze and
18 test for us.

19 MS. HAUSER: My understanding is that
20 should be within the next day or two.

21 COMMISSIONER MINKOFF: Okay. Good.

22 Then my other question, actually, Lisa
23 alluded to. You are going to be also testing other data
24 bases that were used. Do you anticipate any problems
25 there or is that just to verify what you expect are also

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1 good, solid data bases?

2 MR. WALTERS: The purpose there is just to
3 validate the data is acceptable and as accurate as can
4 be expected. As I understand, at real issue is
5 registration data at this point in time. But it makes
6 good practice to verify the other data bases are
7 accurate and are acceptable to everybody.

8 COMMISSIONER MINKOFF: You anticipate
9 other than registration data bases, everything is
10 correct?

11 MR. WALTERS: From what I heard,
12 everything I have seen, that's correct. I went through
13 everything. It's straightforward. It's very
14 straightforward, that balance.

15 COMMISSIONER MINKOFF: Good to hear good
16 news.

17 CHAIRMAN LYNN: Mr. Elder then
18 Mr. Huntwork.

19 COMMISSIONER ELDER: As we go through the
20 data analysis, will we also receive a comparison of the
21 results against the data base we have used, see what
22 kind of variation differential we have?

23 MR. WALTERS: Want to see the deltas, if
24 we create a new data set?

25 COMMISSIONER ELDER: In other words, if
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1 some areas have a 10th differential, that probably does

2 not affect.

3 MR. WALTERS: Right.

4 COMMISSIONER ELDER: Come up and find a
5 delta with 50 percent, big problems.

6 MR. WALTERS: No, right.

7 COMMISSIONER ELDER: See what the
8 differential is, where it occurs, what area of the
9 state, or that. I'd like to have that included, if you
10 can.

11 MR. WALTERS: Definitely need that. Delta
12 should be fairly easy to buy.

13 CHAIRMAN LYNN: Without objection,
14 Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Mr. Chairman, I
16 have a very basic question, and maybe a follow up,
17 depending on the answer.

18 I'd like to ask Dr. Heslop, you referred
19 to this as the alleged error, and that's what I've
20 heard, too. I've heard several versions of what this
21 error is. I wonder if you could clarify for me exactly
22 what supposedly happened. I heard it has something to
23 do with inactive voters. Is it that we did use them,
24 didn't use them, used them inconsistently, or wrong
25 numbers all together, or what is the problem?

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1 DR. HESLOP: Commissioner Huntwork, let me
2 respond in this way: I use the term "alleged" because I
3 have no direct knowledge, nor I think does anyone in DC,
4 in NDC, have direct knowledge of the exact nature of the

5 error. I have heard about it from others, and,
6 therefore, I would prefer not to comment at this stage.
7 I don't know. That's why I use the word "alleged."

8 COMMISSIONER HUNTWORK: I'm concerned
9 about one thing. I want to understand both what the
10 error is, this someone else will have to tell us, also,
11 how it affects what we did, which is a complicated
12 mathematical function I suspect Dr. Heslop or a member
13 of his team will have to advise us about.

14 CHAIRMAN LYNN: Or others.

15 COMMISSIONER HUNTWORK: Or others.

16 CHAIRMAN LYNN: Again, I'm speaking
17 secondhand based on information I've been given.
18 Perhaps others may want to comment on it.

19 My understanding on the error, or area of
20 error, is a potential area of voter registration
21 discrepancy between numbers we used and total
22 registration numbers the Secretary of State has on her
23 website and are available for various counties in the
24 state, the largest potential problem being Maricopa
25 County. Again, my understanding is what may have
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1 happened is that in some counties when the geocoding
2 took place, it was only against active files. In other
3 counties, it was a combination of active and inactive
4 voter files.

5 We have one issue of apples and oranges
6 across the state, don't have a consistent data base
7 using the same type of data.

8 The other issue is whether or not those
9 numbers, therefore, match up with generally accepted
10 numbers for registered voters in the major parties at
11 the time we were doing the analysis.

12 And what I think needs to happen, and what
13 I've asked to have happen, is, in stages, number one,
14 that we get a correct data base using a consistent
15 application of, in my judgment, less active voters
16 across the state, and then perhaps another data set that
17 shows active plus inactive for a total, if in fact
18 that's available consistently across the state, so
19 analyses could be done using either/or, combining them,
20 if we chose, we'd have that option. And beyond that we
21 need to rerun the analysis that was done after the
22 geocoding occurred to determine the impact on the issue
23 of competitiveness as we approached it during the
24 process and have that done consistently across the map.

25 Mr. Huntwork.
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1 COMMISSIONER HUNTWORK: Well, to the
2 extent that the alleged error pertains to inactive
3 voters, it's very important for us to understand that
4 and decide in what we do today and in the immediate
5 future. And so I wonder if there's anyone today that is
6 going to be able to comment on how this would play
7 through the formulas that we used to determine
8 competitiveness.

9 One has to make an assumption about how
10 many inactive voters vote in any given election. I

11 happen to know that's a very small number. And by the
12 way, to be an inactive voter, you can't have voted in
13 any of the past two elections, have to have mailed to
14 the address twice, mail has to have come back returned.
15 I don't know the statistic, I imagine in Maricopa
16 County, or any of the counties where this problem,
17 alleged problem might exist, they could tell us what
18 percentage of voters on the inactive lists would vote in
19 any election so that we could, I think, very quickly
20 make an order of magnitude judgment about how seriously
21 it's going to affect our districts so that we can decide
22 in all honesty whether we go forward with the current
23 districts or make some other decision, which is really
24 the decision we have to make. This is fundamental to
25 what we're here to do today.

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1 Thank you.

2 CHAIRMAN LYNN: Thank you.

3 Other questions or comments for NDC?

4 I have a couple of general comments. I
5 think this this is more aimed at members of the press,
6 because there have been a number of stories written.

7 I want to clarify a couple of points here,
8 if I may. The first is that this business of inaccurate
9 data is confined, we think. That's why I ordered all
10 data bases be checked so we can be assured it is
11 confined to analysis of competitiveness used by the
12 Commission in assessing which districts are competitive
13 and to what degree. We want to be accurate in that

14 assessment. Certainly it's one of the charges to the
15 Commission that be done in an accurate manner. It is
16 limited to that, as far as we know.

17 Again, confirmation of other data bases
18 will ultimately confirm the magnitude of the problem is
19 confined to that area of analysis. It would be
20 erroneous to think other areas of our mapping, other
21 areas of population, and the other criteria that we were
22 charged with using, are in any way being called into
23 question at this time, because they are not. Those maps
24 created, as far as we can tell, we'll verify with
25 correct data, and those maps are accurate.

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1 The second thing I want to mention is
2 there were several reports from various sources
3 indicating this is a very simple matter, the Commission
4 should have known, gone to the Secretary of State's
5 Office, pulled it off the website. That's so wrong,
6 incorrect. I need to be very clear about this. What
7 the Secretary of State has on the website are voter
8 totals for registration, not disaggregated in any way,
9 not geocoded where they live, where they need to be
10 plotted on a map in order -- in order to do the kind of
11 work we need to do. In fact, had the information been
12 available from the Secretary of State, we certainly
13 wouldn't have contracted with someone to provide it; we
14 would have simply gotten it.

15 I want to make it very clear that the
16 process that needed to be undertaken was to take the

17 voter files and to assess, on a map, where those voters
18 actually lived and code those files so that we could
19 then build voter files by geographic area to determine
20 where registered voters were and how they might behave
21 in a subsequent election. That is not something the
22 Secretary of State has, is not something available on
23 the website, and is something we needed to create.

24 If there is someone in the room that has a
25 different point of view on that, I'd sure like to hear
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19

1 it, because that happens to be the way it is. I want to
2 make that very clear.

3 It's also the case that the Commission's
4 work went forward on the basis of all of the other data
5 bases as we mapped prior to the time that this kind of
6 information was allowed to be used under the
7 Constitution, because initial mapping could not use
8 voter registration data. It's clear in the Constitution
9 that that is the case. And so this was done at the time
10 that we began looking at the competitive nature of
11 districts. And that's the data that was in part used to
12 determine the competitive nature of districts.

13 So, with that having been said, are there
14 any other comments or questioned on this issue?

15 DR. HESLOP: Mr. Chairman.

16 CHAIRMAN LYNN: Dr. Heslop.

17 DR. HESLOP: A final note to sum up. We
18 understand that we are to receive the paper sources that
19 we need on Monday. If we do, we will have the work of

20 confirmation, of rebuilding data bases, confirmation
21 within the week, and will be able to report such
22 confirmation to you a week from Monday.

23 CHAIRMAN LYNN: Thank you.

24 Mr. Elder.

25 COMMISSIONER ELDER: Yes. Dr. Heslop, one
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1 thing I would ask. I don't want to wait a week if on
2 Tuesday you notice, by the way, we're missing something.
3 So make sure as you're going through the process you let
4 the Chairman or whoever the contact liaison is going to
5 be we if you've received something in the incorrect
6 form, we don't have a complete data base, we don't wait
7 a week and find out: Oh, by the way.

8 DR. HESLOP: We're very conscious of the
9 need for haste on this and will certainly follow up on
10 any problems.

11 CHAIRMAN LYNN: At this time, I'd like to
12 ask if there's a motion pursuant to A. R. S. 38-431.03
13 (A)(3) or 38-431(A)(4) to go into Executive Session?

14 COMMISSIONER ELDER: So moved.

15 MS. HAUSER: Mr. Chairman, pursuant to
16 both provisions.

17 CHAIRMAN LYNN: I cited both.

18 MS. HAUSER: You said "or."

19 CHAIRMAN LYNN: And. For the record, both
20 sections.

21 COMMISSIONER HALL: Second.

22 CHAIRMAN LYNN: So seconded.

23 Discussion? All in favor, say "aye."
24 COMMISSIONER ELDER: "Aye."
25 COMMISSIONER HALL: "Aye."
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1 COMMISSIONER MINKOFF: "Aye."
2 COMMISSIONER HUNTWORK: "Aye."
3 CHAIRMAN LYNN: Opposed, "no."
4 (Motion carries unanimously.)
5 CHAIRMAN LYNN: Ladies and gentlemen,
6 we'll convene Executive Session. I won't ask you to
7 guesstimate how long we will be. I don't know. But
8 John Mills has DVDs.
9 (Whereupon, Public Session was recessed
10 and Executive Session was held from 1:06 until 3:56 at
11 which time Public Session resumed.)
12 CHAIRMAN LYNN: The Commission will come
13 to order in regular session.
14 First of all, I'll thank everyone for
15 their indulgence in terms of waiting several hours.
16 It's one of those things we had several issues we were
17 dealing with.
18 Item IV, possible discussion or possible
19 decision concerning the adopted Legislative or
20 Congressional plans.
21 Is there a motion?
22 Mr. Hall.
23 COMMISSIONER HALL: Mr. Chairman, I would
24 like to make a motion, instruct NDC and other
25 consultants to review all of the data bases relative to

1 both plans and then prepare for us a presentation,
2 advise us how they affect both plans, including any
3 potential errors and source of errors.

4 CHAIRMAN LYNN: Is there a second?

5 COMMISSIONER ELDER: Second.

6 CHAIRMAN LYNN: Thank you.

7 Discussion on the motion?

8 Ms. Minkoff?

9 COMMISSIONER MINKOFF: Mr. Chairman, once
10 again, I would like to guess -- some kind of guesstimate
11 as to when we would have that information.

12 CHAIRMAN LYNN: We asked NDC. The motion
13 is to conduct the data review that has already been
14 ordered on both plans. Obviously the question is how
15 soon might that be accomplished. I think there are a
16 couple variables. One is when you get the raw data to
17 move forward and do your analysis.

18 If you could, for Ms. Minkoff, go over
19 potential time frames for Ms. Minkoff for reviews.

20 DR. HESLOP: Mr. Chairman, our best
21 estimate, lacking the paper sources at this stage, is
22 that we should be able to report on all of the matters
23 that we discussed in our initial presentation no later
24 than a week from tomorrow. If things go more rapidly,
25 we will, of course, so inform the Commission. But we

1 think that that is a reasonable deadline with which to
2 work.

3 CHAIRMAN LYNN: That's for initial review
4 and creation, even correct the data base, if one needs
5 to be corrected?

6 DR. HESLOP: Yes.

7 CHAIRMAN LYNN: Subsequent review by other
8 consultants would be additional time on that time frame?

9 DR. HESLOP: Yes, unless, again, as I
10 said, we're able to complete things piece by piece more
11 rapidly.

12 CHAIRMAN LYNN: Ms. Leoni, if I clarify
13 the question of NDC, work is twofold: One, confirm a
14 new data base; the request of the Commission is to give
15 us the as-of date, which will be the -- what will be the
16 date of the data base. That's one portion, as I
17 understand Commissioner Hall's motion, this one review
18 of all data bases, report errors in those data bases,
19 types and numbers, the sources of errors, and the
20 impacts on the plan. If I understand correctly, that is
21 a different project from the project for which NDC gave
22 a four- to five-day time frame from receipt of the new
23 data base. I just want to refocus that, if that is the
24 correct motion.

25 CHAIRMAN LYNN: Mr. Hall?
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1 COMMISSIONER HALL: That is correct.

2 Are you saying that that is more than you
3 can chew or what am I hearing you saying?

4 MS. LEONI: I'm not saying it's more than
5 NDC can chew, Commissioner Hall. I want to make sure
6 the project was understood in terms of the timing. I
7 don't know whether NDC is prepared to represent that
8 review, that separate review, can be undertaken within a
9 four- to five-day period. I want to make sure that's
10 understood.

11 COMMISSIONER HALL: I understand,
12 Ms. Leoni, as far as identifying all sources, any
13 potential error, it may be an extended process,
14 identifying what errors you can identify, if any apply
15 to data bases.

16 MS. LEONI: The approach is maybe breaking
17 it down into parts.

18 CHAIRMAN LYNN: Dr. Heslop, Mr. Walters.

19 MR. WALTERS: Again, my understanding is
20 review and try to find these errors and to determine how
21 one might correct them, not to correct them in that five
22 days.

23 Is that true, unless easily correctable?

24 CHAIRMAN LYNN: Well, it seems to me we
25 have a sequence we're talking about.

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25

1 Step one of the sequence is verify whether
2 or not there were errors made in the numbers represented
3 in the voter registration data.

4 The second step is to quantify those in

5 terms of the lists necessary in order to perform a
6 variety of other functions related to competitiveness or
7 competitiveness analysis.

8 And then -- then there may -- and then
9 there would need to be subsequent tests or study done,
10 not necessarily by NDC but by others, to actually take
11 that -- those data sets and actually perform those
12 functions to determine the impact.

13 DR. HESLOP: The hesitation you are
14 observing, Mr. Chairman, is because until we know the
15 magnitude of error that exists, it's very hard to give
16 any estimate of what would be involved in correcting it
17 or even, indeed, assessing its impact on the plans.
18 That's the only hesitation you are detecting here.

19 I think I can speak for the company in
20 saying we will give this top priority and we will do it
21 all as fast as we can.

22 CHAIRMAN LYNN: Mr. Elder.

23 COMMISSIONER ELDER: Mr. Chairman, early
24 on I think when first discussing, before we went into
25 Executive Session, I asked to see what the differential,
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1 or delta, between the data bases were. Will we still be
2 able to get that in that time frame?

3 MR. WALTERS: I don't see a problem.

4 COMMISSIONER MINKOFF: Mr. Chairman, I
5 believe Mr. Hall's motion refers to all of the data
6 bases, correct? We're not now just talking about the
7 voter registration data base, but all those others.

8 You are not going to say you'll have all
9 that done by a week from Monday or are you?

10 DR. HESLOP: We'll be able to confirm
11 within reasonable limits all five data bases. We
12 already confirmed the Census data base for our plan.
13 Prior to next Monday we hope to have confirmed, verify,
14 the others.

15 COMMISSIONER MINKOFF: So all others, it's
16 a relatively quick process, and the time is voter
17 registration?

18 DR. HESLOP: With the stipulation,
19 cautionary, is the paper sources are available to us.
20 And we will certainly let you know if they are not made
21 available to us.

22 COMMISSIONER MINKOFF: Take you there less
23 time then to confirm other data bases. And most time
24 will be spent with voter registration information?

25 DR. HESLOP: That's my assessment of the
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1 situation at the moment.

2 CHAIRMAN LYNN: Further discussion on the
3 motion?

4 If not, all in favor of the motion,
5 signifying by saying "aye."

6 COMMISSIONER HUNTWORK: "Aye."

7 COMMISSIONER HALL: "Aye."

8 COMMISSIONER MINKOFF: "Aye."

9 COMMISSIONER ELDER: "Aye."

10 CHAIRMAN LYNN: Chair votes "aye."

11 Motion carries unanimously and is so
12 ordered.

13 Paragraph item V, discussion and possible
14 possible request to the Attorney General to review
15 possible contract violations by Election Data Services.

16 I want to take note Kim Brace of EDS is
17 present with us today. We were not aware Mr. Brace was
18 going to be here. We do not have a place on the agenda
19 for a report from EDS nor do we have the opportunity to
20 speak specifically with him. In fact, because we have
21 other issues that are in play at trial about to start
22 and other matters, we want to do this: We certainly
23 want to thank Mr. Brace for being here. And to the
24 extent that he has or can provide information that would
25 be helpful in terms of where we want to go forward on
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1 this basis, is there an affirmative motion with respect
2 to item V?

3 COMMISSIONER ELDER: Mr. Chairman.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: I'd like to make a
6 motion, don't know whether it's appropriate or proper,
7 have to let the attorneys give us the yes or no because
8 the agenda item was "Attorney General." I would like to
9 kick it in to Mr. Adler's purview as far as just the
10 contracts and what was agreed to, and that, and let him
11 review that as opposed to going to the Attorney General
12 at this time.

13 CHAIRMAN LYNN: Ms. Hauser?

14 MS. HAUSER: Mr. Chairman, Commissioner
15 Elder, the State Procurement Administrator is
16 represented by, works with the Attorney General. I
17 think that -- with that understanding, that whatever
18 work the Procurement Office does is going to be overseen
19 by the Attorney General, I think your motion is fine.

20 CHAIRMAN LYNN: Is that your motion,
21 Mr. Elder?

22 COMMISSIONER ELDER: It is.

23 CHAIRMAN LYNN: Is there a second?

24 COMMISSIONER MINKOFF: Second.

25 CHAIRMAN LYNN: A motion has been made to
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1 refer the matter of contract compliance on the EDS
2 contract to the State Procurement Office for review.

3 Discussion on the motion?

4 If not, all those in favor, signify by
5 saying "aye."

6 COMMISSIONER HUNTWORK: "Aye."

7 COMMISSIONER HALL: "Aye."

8 COMMISSIONER MINKOFF: "Aye."

9 COMMISSIONER ELDER: "Aye."

10 CHAIRMAN LYNN: Chair votes "aye."

11 So the motion carries unanimously.

12 Possible instructions to NDC and/or
13 Commission staff.

14 Additional instructions to NDC or
15 Commission staff at this time?

16 Mr. Hall?

17 COMMISSIONER HALL: Ms. Leoni, my
18 understanding is there was some discussion relative to a
19 date with respect to data. Can you maybe clarify that
20 for us so we can insure you have proper direction?

21 MS. LEONI: Yes. Thank you, Commissioner
22 Hall, glad you raised the question.

23 NDC, perhaps would be a proper
24 contributor.

25 As you know, registration in this state is
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1 a moving target, changes on a day-by-day basis. In
2 order to confirm and establish a data base for use by
3 the Commission, we would ask that the Commission
4 determine what that date is so that we stop that target
5 from moving for the purpose of confirmation of the data
6 base. We ask for guidance on that date.

7 CHAIRMAN LYNN: Mr. Elder.

8 COMMISSIONER ELDER: I propose we use
9 January 1 of 2001 as that data base, probably both serve
10 the 2000 Census data as well as it's a data base readily
11 available.

12 COMMISSIONER MINKOFF: If that's a motion,
13 I second it.

14 COMMISSIONER ELDER: Ask for the date we
15 agreed.

16 CHAIRMAN LYNN: Better put it in the form
17 of a motion if it's to give direction to NDC to utilize
18 it.

19 Mr. Elder, is that a motion?

20 COMMISSIONER ELDER: It is.
21 COMMISSIONER MINKOFF: I second.
22 COMMISSIONER HALL: Clarification, maybe
23 from Dr. Heslop, is that the same date that we -- has
24 been used in all previous information? Is that correct?
25 DR. ADAMS: I believe April 2001. I
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1 believe April 2001.
2 MR. BRACE: It was April 2001, not
3 January.
4 COMMISSIONER HALL: April 2001?
5 MR. BRACE: April.
6 DR. HESLOP: I believe I hear that to my
7 right.
8 CHAIRMAN LYNN: I believe the intent of
9 the motion was to insure when we recreate the data base
10 we're able to compare apples to apples. If the original
11 data base compared as of an April 1st date, we should,
12 it seems to me, go with that date for the revised data
13 base.
14 Mr. Elder.
15 COMMISSIONER ELDER: I'd revise my motion
16 to April 1st, 2001.
17 CHAIRMAN LYNN: Is that acceptable --
18 COMMISSIONER MINKOFF: Second it.
19 CHAIRMAN LYNN: Further discussion on the
20 motion?
21 If not, all those in favor, signify by
22 saying "aye. "

23 COMMISSIONER HUNTWORK: "Aye. "
24 COMMISSIONER HALL: "Aye. "
25 COMMISSIONER MINKOFF: "Aye. "
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1 COMMISSIONER ELDER: "Aye. "
2 CHAIRMAN LYNN: Chair votes "aye. "
3 Motion carries. So ordered.
4 Next is report from the Executive
5 Director.
6 MR. ECHEVESTE: There's no report from me
7 at this time.
8 CHAIRMAN LYNN: Thank you, sir.
9 Item VIII, recess or adjournment.
10 COMMISSIONER HALL: Just to report to the
11 Executive Director, make note, we thought we'd give a
12 bunch of money back to the State. That may not be
13 possible now.
14 CHAIRMAN LYNN: Seems less possible daily.
15 CHAIRMAN LYNN: Item VIII, recess or
16 adjournment.
17 The Commission will stand adjourned until
18 a call from either a majority of the Commission or call
19 of the Chair.
20 COMMISSIONER HALL: Would it be
21 appropriate, Mr. Chairman, to discuss some potential
22 dates now?
23 CHAIRMAN LYNN: I don't know we have even
24 an idea when we might -- as with this meeting, it will
25 have to do with events unfolding, as it always seems to
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1 do.

2 Ms. Hauser --

3 MS. HAUSER: I must say, if any
4 Commissioners have travel plans coming up, if you'd
5 please give Jose or I your contact information, and the
6 Commission office as well, so we can reach you in the
7 event of a need to call everyone together.

8 CHAIRMAN LYNN: Any further business?

9 Ms. Hauser?

10 Mr. Rivera?

11 The Commission will stand adjourned
12 pending call of the Chair or majority of the Commission.

13 (Whereupon, the hearing concluded at
14 approximately 4:10 p.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 33 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 28th day of April, 2002.

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate Number 50349

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